



House of Representatives

General Assembly

File No. 124

February Session, 2006

House Bill No. 5671

House of Representatives, March 23, 2006

The Committee on General Law reported through REP. STONE, C. of the 9th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE REGISTRATION OF HYPNOTISTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) No person shall
2 practice hypnosis or hold himself or herself out as a hypnotist in this
3 state without first registering with the Department of Consumer
4 Protection pursuant to subsection (b) of this section.

5 (b) Each person who practices hypnosis in this state shall, upon
6 payment of an application fee of fifty dollars, register with the
7 Department of Consumer Protection on a form provided by the
8 department with such information and attestation as the
9 Commissioner of Consumer Protection deems necessary, including,
10 but not limited to, (1) such person's name in full, (2) such person's
11 residential and business addresses, and (3) a representation, in writing,
12 that such person is not a sexual offender, as defined in section 54-260
13 of the general statutes, and is not registered as a sexual offender under
14 the laws of any other state. Each such person shall notify the
15 department, in writing, not later than thirty days after the date of any

16 change in such person's name, residential address, business address or
17 status as a sexual offender in this state or any other state.

18 (c) The Commissioner of Consumer Protection may, upon receipt of
19 notification and investigation, assess a civil penalty of not more than
20 one hundred dollars against any person who has practiced hypnosis in
21 this state without first registering with the department pursuant to
22 subsection (b) of this section.

23 (d) The provisions of this section do not apply to:

24 (1) Physicians licensed pursuant to chapter 370 of the general
25 statutes;

26 (2) Psychologists licensed pursuant to chapter 383 of the general
27 statutes;

28 (3) Marital and family therapists licensed pursuant to chapter 383a
29 of the general statutes;

30 (4) Clinical social workers licensed pursuant to chapter 383b of the
31 general statutes;

32 (5) Professional counselors licensed pursuant to chapter 383c of the
33 general statutes; and

34 (6) Alcohol and drug counselors licensed pursuant to chapter 376b
35 of the general statutes.

36 (e) The Commissioner of Consumer Protection, in consultation with
37 the Commissioner of Public Health, may adopt regulations, in
38 accordance with chapter 54 of the general statutes, to implement the
39 provisions of this section.

40 (f) For purposes of this section, "hypnosis" means an artificially
41 induced altered state of consciousness, characterized by heightened
42 suggestibility and receptivity to direction.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	New section
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GL *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Consumer Protection, Dept.	GF - Cost	120,362	113,532
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	27,989	61,978
Consumer Protection, Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires anyone practicing hypnosis, or holding himself out to be a hypnotist, to register with the Department of Consumer Protection (DCP). DCP would need one additional Licensing & Applications Specialist (annual salary of \$55,103) and one Special Investigator (annual salary of \$51,205) to handle the processing of the registration applications and to investigate claims of persons who are practicing hypnosis without having first registered with DCP. The fringe benefit costs for these two positions would be paid out of the Comptroller's Miscellaneous Accounts.¹ The agency would also incur costs in Other Expenses in FY 07 and FY 08 related to office supplies, software and training and a one-time cost in FY 07 for computer hardware. All of these costs are detailed below.

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate as a percentage of payroll is 23.6%, effective July 1, 2005. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2005-06 fringe benefit rate is 34.7%, which when combined with the non pension fringe benefit rate would total 58.3%.

Description	FY 07	FY 08
Personal Services	\$106,308	\$106,308
Other Expenses	8,434	7,224
Equipment	5,620	
Total	\$120,362	\$113,532

The bill also requires applicants to pay a \$50 application fee and authorizes the DCP commissioner to impose a civil penalty of up to \$100. Both of these provisions could result in a minimum revenue gain.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5671*****AN ACT CONCERNING THE REGISTRATION OF HYPNOTISTS.*****SUMMARY:**

This bill requires anyone practicing hypnosis, or holding himself out to be a hypnotist, to register with the Department of Consumer Protection (DCP). It defines "hypnosis" as an artificially induced altered state of consciousness characterized by heightened suggestibility and receptivity to direction.

It requires an applicant for registration to state that he is not a sexual offender, establishes other application requirements, and exempts specified licensed professionals.

The bill authorizes the DCP commissioner to impose a civil penalty of up to \$100 for practicing hypnosis without being registered.

EFFECTIVE DATE: October 1, 2006

APPLICATIONS AND REGULATIONS

The application must be on a DCP-provided form with information and attestation required by the DCP commissioner that must include the applicant's full name, business and residential addresses, and a written representation that the applicant is not a sexual offender under Connecticut law or registered as one under the laws of another state. The bill requires registrants to notify the commissioner of any change in these facts within 30 days after they occur. The application fee is \$50.

The bill authorizes the DCP commissioner, in consultation with the commissioner of the Department of Public Health, to adopt implementing regulations.

SEXUAL OFFENDER

A “sexual offender” is anyone convicted on or after October 1, 1995 of the following crimes: risk of injury to a minor committed by having contact with the intimate parts of someone under age 16 in a sexual and indecent way (CGS § 53-21(a)(2)), sexual assault in the first degree (CGS § 53a-70), aggravated sexual assault in the first degree (CGS § 53a-70a), sexual assault in a spousal or cohabiting relationship (CGS § 53a-70b), sexual assault in the second degree (CGS § 53a-71), sexual assault in the third degree (CGS § 53a-72a), and sexual assault in the third degree with a firearm (CGS § 53a-72b).

EXEMPT PROFESSIONALS

The bill exempts licensed physicians, psychologists, marital and family therapists, clinical social workers, professional counselors, and alcohol and drug counselors.

BACKGROUND***Related Legislation***

HB 5215 penalizes a hypnotist who engages in sexual intercourse or contact with (1) a patient during a psychotherapy session, (2) a patient or former patient who is emotionally dependent, or (3) a patient or former patient based on therapeutic deception.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 15 Nay 0 (03/09/2006)